CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 176/MP/2026

Coram:
Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V, Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Date of Order: 9th November, 2026

In the matter of:

Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulation 13(2)(h) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020, seeking extension of the Scheduled Commercial Operation Date for the Petitioner's 50 MW Solar Power Project in Gujarat for the purpose of retaining eligibility for Waiver of ISTS Charges.

And in the matter of:

M/s Avaada Inclean Private Limited,
C-11, Sector - 65, Noida,
Gautama Buddha Nagar, Uttar Pradesh – 201301 **……Petitioner**

Versus

1. **Central Transmission Utility of India Limited,**
   Saudamini, Plot No. - 2, Sector - 29,
   Near IFFCO Chowk, Gurugram – 122001

2. **M/s WRSS XXI(A) Transco Ltd.,**
   Adani Corporate House, Shantigram, Near Vaishno Devi Circle,
   S G Highway, Khodiyar, Ahmedabad, Gujarat- 382421

……Respondents

Parties Present: Shri Abhishek Kumar, Advocate, AIPL
Shri Nived Veerapaneni, Advocate, AIPL
Shri Shubham Arya, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Ms. Harsha Parakh, Advocate, CTUIL

ORDER

The Avaada Inclean Private Limited (hereinafter referred to as the "Petitioner/ AIPL") had filed the instant Petition seeking extension of Scheduled Commercial Operation Date (SCOD) of the Petitioner's 50 MW Solar Project having connectivity at 220 kV Lakadiya ISTS Pooling Sub-Station from 30.06.2025 to 24.02.2026 and consequent waiver from payment of ISTS Charges under Regulation 13(2)(h) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 (hereinafter referred to as the "2020 Sharing regulations"). The Petitioner has made the following prayers:

(a) Admit the instant Petition;

(b) Take on record the Committee's report dated 26.11.2025, which establishes the Petitioner's diligence and confirms that the delay was for reasons not attributable to the Petitioner;

(c) Grant an extension of the Scheduled Commercial Operation Date for the Petitioner's 50 MW project until 24.02.2026, based on the continued non-availability of the CTS and the circumstances detailed herein, for the purpose of retaining eligibility for the 100% waiver of ISTS charges; &

(d) Pass any other order, further relief(s) in facts and circumstances of the case as this Hon'ble Commission may deem just and equitable in favor of the Petitioner.

Submission by the Petitioner:

2. The Petitioner has mainly submitted as under:

(a) The Petitioner is developing a 50 MW Solar PV Power Project at Village Rampar, Kutch, Gujarat through Petitioner's wholly-owned subsidiary, M/s Avaada GJLakadiya Pvt. Ltd. (hereinafter referred to as 'Avaada GJ').

(b) On 21.04.2023, Petitioner applied to CTUIL for connectivity at the 220 kV Lakadiya ISTS Pooling Sub-station. CTUIL issued an in-principle grant of connectivity on 06.11.2023, indicating a start date of 30.06.2025. On 27.08.2024, CTUIL issued the final grant of connectivity, confirming the start date of connectivity as 16.08.2025, with the possibility of being preponed to 30.06.2025, subject to commissioning the CTS augmentation on a "best-effort basis". The final grant of connectivity linked Project operationalisation to the commissioning of the CTS augmentation at Lakadiya PS, consisting of creation of a 220 kV switchyard at 765/400 kV Lakadiya PS and installation of 2x500 MVA, 400/220 kV ICTs, within the scope of TSP, M/s WRSS XXI(A) Transco Ltd.

(c) On 15.02.2025, Avaada GJ sent a formal proposal to Vretanta Clean India Pvt. Ltd. for power offtake, expressly indicating the SCOD as 30.06.2025. On 19.03.2025, Vretanta expressed its interest in entering into a long-term PPA with the SCOD of 30.06.2025, with its commitment being contingent upon the readiness of the transmission infrastructure by the said date.

(d) The commissioning of the CTS by the TSP was delayed. The minutes of the 47th JCC meeting dated 28.03.2025 first indicated a delay, revising the completion to 30.06.2025 (on a best-effort basis) for ICT Bank-1 and 31.08.2025 for Bank-2.

(e) On 03.04.2025, Avaada GJ wrote to Vretanta clarifying that they are in the process of drafting a PPA and indicated that, however, TSP has expressed its readiness for the transmission system beyond June 2025. On 19.04.2025, after learning of the revised timeline for the transmission system, Vretanta wrote to Avaada GJ deferring its binding commitment to sign the PPA, citing the ambiguity surrounding the transmission system's commissioning timeline. Consequently, on 25.04.2025, the parties executed a non-binding Memorandum of Understanding (MoU), which made the final power offtake conditional upon the commissioning of the transmission system and the Project's eligibility for the ISTS waiver.

(f) On 14.06.2025, having completed all necessary construction and installation, the Petitioner formally applied to Central Electricity Authority (CEA) for the statutory inspection of its common generation switchyard and dedicated 220 kV D/c line.

(g) The delay on the part of TSP to execute the CTS was confirmed in the 48th JCC meeting on 24.06.2025, where the timeline was further pushed back to 31.08.2025 for Bank-1 and 31.12.2025 for Bank-2, making it clear that the CTS would not be available by the SCOD (i.e., 30.06.2025).

(h) CEA issued the "Approval for Energization" on 30.06.2025, confirming that the Petitioner's infrastructure was complete and ready for commissioning on the originally scheduled date.

(i) The Petitioner made an application on 23.09.2025 to the Committee requesting an extension of both SCOD and waiver of ISTS charges due to the delay in the availability of the transmission system/ CTS.

(j) The Committee submitted its final report to this Commission on 26.11.2025. This report found that the initial delay was not attributable to the Petitioner and recommended granting an extension of SCOD for six months from 30.06.2025, or until the commissioning of the CTS, whichever is earlier.

(k) The CTS was not fully commissioned by the extended date of 31.12.2025. The Petitioner submitted a further representation to the Committee on 03.02.2026.

(l) The trial run of the Petitioner's project was successfully completed on 19.02.2026, and the COD for the full 50 MW capacity was declared as 24.02.2026.

(m) The Petitioner made additional submissions to the Committee on 18.02.2026 and 26.02.2026, detailing its generation readiness and the final commissioning status of the Project and requesting its approval for the extension in SCOD till the actual date of commissioning.

Additional Submissions of the Petitioner:

3. Petitioner vide affidavit dated 02.04.2026 submitted as under:

(a) The Petitioner filed a fresh representation before the Committee on 03.02.2026 along with additional submissions on 18.02.2026 and 26.02.2026, seeking a further extension up to 30.06.2026.

(b) The Committee, vide its second report, made the following recommendations:

(i) To grant an additional extension of SCOD for the Project for a period of six (6) months from 31.12.2025 (i.e., up to 30.06.2026), or until the date of actual commissioning of the necessary CTS, whichever is earlier. This extension is recommended for the purpose of determining eligibility for the waiver of ISTS charges.

(ii) To consider allowing a commissioning-preparation period of up to sixty (60) days from the date of CTS operationalisation, subject to the overall cap of the second six-month extension ending on 30.06.2026.

(c) The Petitioner successfully achieved commissioning on 24.02.2026, well within the timeline recommended under the second Committee report. In view of the above, this Commission may pass appropriate orders directing extension of the SCOD for the

Project up to 24.02.2026, for the purpose of retaining eligibility for 100% waiver of ISTS charges.

Hearing dated 30.04.2026

4. The extracts of the RoP for the hearing dated 30.04.2026 are as under:

"The learned counsel for the Petitioner submitted that the present Petition has been filed inter alia seeking an extension of the Scheduled Commercial Operation Date (SCOD) of the Petitioner's 50 MW Project from 30.6.2025 to 24.2.2026, the actual date of commissioning in order to retain the Project's eligibility for the 100% waiver of ISTS charges. The learned counsel further submitted that the Committee constituted by the Commission, after detailed deliberations and examination of all documents and submissions, in its final report, has considered that the initial delay was not attributable to the Petitioner and recommended for grant of an extension of SCOD.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit and issue notice to the Respondents;

(b) The Respondents to file their replies, if any, within three weeks with a copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

3. The Petitioner is directed to clarify, on an affidavit, within two weeks, whether the project is being developed by M/s Avaada GJ Lakadia Pvt. Ltd. (AGPL)? If yes, relationship between AGPL and Petitioner?

4. CTU is directed to furnish, on an affidavit, within two weeks, the present status of Augmentation as per the final grant of Connectivity and also the status of effectiveness of GNA granted to the Petitioner."

Submissions of Petitioner in compliance with the RoP for hearing dated 30.04.2026:

5. Petitioner vide affidavit dated 20.5.2026 and 21.05.2026 submitted that the 50 MW Solar Power Project, which is the subject matter of the present Petition, is being developed through AGPL, which was formerly a wholly owned subsidiary of the Petitioner. However, as on date, both AGPL and the Petitioner are wholly owned subsidiaries of Avaada Energy Private Limited (AEPL), the parent company being the same for both entities.

6. The connectivity was granted to the Petitioner, and applications before the Committee for extension in SCOD and waiver were made by the Petitioner on behalf of AGPL.

Submissions of CTUIL in compliance with the RoP for hearing dated 30.04.2026:

7. CTUIL vide affidavit dated 08.06.2026 submitted as under:

(a) The transmission system required for the said Connectivity was in the nature of Augmentation without ATS (i.e. Common Transmission System). The abovesaid

augmentation and the 220 kV bay required for the interconnection to ISTS of the Petitioner's project were in the ISTS scope through RTM scheme under "Augmentation of transformation capacity at 765/400 kV Lakadia S/s (WRSS XXI (A) Transco Ltd.) in Gujarat Part-A" being implemented by Respondent No. 2, M/s WRSS XXI(A) Transco Ltd.

(b) WRSS XXI(A) Transco Ltd. has declared the commercial operation of "Augmentation of transformation capacity at 765/400 kV Lakadia S/s (WRSS XXI(A) Transco Ltd.) in Gujarat Part-A" scheme including 220 kV line bay at Lakadia PS end for termination of DTL of AIPL w.e.f. 10.02.2026.

Hearing dated 11.06.2026

8. The extracts of the RoP for the hearing dated 11.06.2026 are as under:

"The learned counsel for the Petitioner submitted that the present Petition has been filed inter alia seeking an extension of the Scheduled Commercial Operation Date (SCOD) of the Petitioner's 50 MW Solar Power Project from 30.6.2025 to 24.2.2026 for the purpose of retaining the eligibility for waiver of ISTS charges. The learned counsel further submitted that the Committee, constituted under the Sharing Regulations, has also, vide Reports dated 26.11.2025 and 11.3.2026, recommended for extension of SCOD up to 30.6.2026 or until the date of actual commissioning of the necessary CTS, whichever is earlier. The learned counsel further submitted that the Petitioner has filed the ROP compliance affidavit on 21.5.2026, clarifying that the 50 MW Solar Power Project is being developed through Avaada GJ Lakadia Private Limited/AGPL, which was formerly a wholly owned subsidiary of the Petitioner. However, as on date, both AGPL and the Petitioner are wholly owned subsidiaries of Avaada Energy Private Limited (AEPL), the parent company being the same for both entities. The learned counsel further submitted that the 2nd proviso to Regulation 15.1 of GNA Regulations permits the utilisation of connectivity granted to a subsidiary company of a Parent company by other subsidiary company(ies). The learned counsel also sought liberty to file a brief affidavit and requested that the matter be reserved for order.

2. The learned counsel for the Respondent/CTUIL submitted that CTUIL has also filed its compliance affidavit in terms of ROP dated 30.4.2025, and that the Connectivity of 50 MW granted to the Petitioner has been made effective from 28.3.2026.

3. Considering the submissions made by the learned counsels for the parties, the Commission permitted the Petitioner to file its affidavit within a week and subject to this, the matter was reserved for order."

9. The Petitioner, in its additional submissions dated 19.06.2026, reiterated its earlier submission and submitted that pursuant to completion of CTS augmentation on 10.02.2026, CTUIL declared the connectivity effective from 28.03.2026.

Analysis and Decision:

10. We have considered the submissions of the Petitioner and the Respondent, and the

documents placed on the record. The following issue arises for our consideration:

Issue 1: Whether the Petitioner's project is eligible for extension in SCOD and is entitled to a 100% waiver of Inter-State Transmission System charges as if the project had achieved COD on or before 30.06.2025, under Regulation 13(2)(h) of the 2020 Sharing Regulations?

11. The above issue is dealt with in subsequent paragraphs.

12. The Petitioner has submitted that the Petitioner's 50 MW Solar Project has connectivity at Lakadiya PS. CTUIL issued an in-principle grant of connectivity on 06.11.2023, indicating a start date of connectivity as 30.06.2025. The Final connectivity was issued on 27.08.2024 with start date 16.08.2025, with an indication that it could be preponed to 30.06.2025 subject to commissioning of Common Transmission System Augmentation works (CTS Augmentation) on a "best effort" basis. However, the delay in commissioning of the CTS, required for the effectiveness of the Petitioner's GNA, has led to the delay in COD of the Petitioner's project. On 23.09.2025, the Petitioner submitted a representation to the Committee seeking extension of SCOD of its Project and consequent waiver of inter-State transmission charges. The Committee, vide its Report dated 26.11.2025, recommended a 1st extension for six months from 30.06.2025 or till commissioning of CTS Augmentation, whichever is earlier. The petitioner submitted another representation to the Committee on 03.02.2026 seeking an additional extension due to further delay in commissioning of the CTS augmentation. On 11.03.2026, the Committee, vide its Report, recommended a 2nd extension of the SCOD of the 50 MW Solar Project.

13. The Petitioner has filed the present Petition seeking extension of SCOD until 24.02.2026, for the purpose of waiver of Inter-State Transmission System charges for its 50 MW Solar Project as recommended by the Committee.

14. The relevant extracts of the Committee's Report dated 26.11.2025 are as under:

> ***"..***
>
> ***7.2 – Recommendation:***
>
> ***The Committee recommends that extension of SCOD of the 50 MW Solar Project of M/s Avaada Inclean Pvt. Ltd. be granted for a period of Six (6) months from 30.06.2025 or till commissioning of CTS Augmentation, whichever is earlier to maintain eligibility for ISTS transmission charges waiver.***
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> *Any further extension, if required, may be considered by the Committee in accordance with Regulation 13(2)(h)."*

15. The relevant extracts of the Committee's report dated 11.03.2026 are as under:

> *"**4. Recommendations***
>
> *On the basis of the material on record, and having regard to Regulation and the Commission's Office Order dated 30.07.2025, the Committee recommends to the Hon'ble Commission as follows:*
>
> ***4.1 Extension of SCOD (second six-month period):***
>
> ***Grant an additional extension of SCOD for the 50 MW Lakadiya project of M/s Avaada Inclean Pvt. Ltd. for six (6) months from 31.12.2025 (i.e., up to 30.06.2026), or until the date of actual commissioning / operationalisation of the Common Transmission System (CTS) necessary for effectiveness of Connectivity/GNA, whichever is earlier. The extension is to be recommended solely for the purpose of determining eligibility for waiver of ISTS charges under Regulation 13(2)(h) of the CERC Regulations {CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020} and its amendments.***
>
> *4.2 Commissioning-preparation period (60 days):*
>
> *The Committee notes that AIPL's request for a commissioning-preparation period of sixty (60) days from the date of operationalisation of the Common Transmission System (CTS) / effectiveness of Connectivity/GNA, is in line with the implementation practice reflected in MNRE / SECI frameworks, to enable completion of trial runs, stabilisation and statutory formalities prior to declaration of COD.*
>
> *The Committee considers the request to be reasonable from an operational perspective, particularly in view of the phased commissioning of CTS elements and the need for coordinated testing with system operators.*
>
> *However, the Committee also notes that, as per Regulation 13(2)(h) of the Sharing Regulations {CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020} read with the Commission's Office Order dated 30.07.2025, extension of SCOD can be recommended only within the prescribed six-month window. In other words, the Committee cannot recommend a relief which, in effect, extends SCOD beyond the second six-month window.*
>
> *Accordingly, the Committee recommends that the Hon'ble Commission may consider allowing a commissioning-preparation period of up to 60 days from the date of CTS operationalisation / GNA effectiveness, subject to the overall cap of the second six-month extension ending on 30.06.2026."*

As per the above, the Committee recommended extending the SCOD of the 50 MW project of Petitioner up to 30.06.2026 or until the date of actual commissioning/ operationalisation of the CTS necessary for effectiveness of Connectivity/GNA plus 60 days, whichever is earlier, for the purpose of determining eligibility for waiver of ISTS charges under Regulation 13(2)(h) of the 2020 Sharing Regulations.

16. Regulation 13(2)(h) of the 2020 Sharing Regulations provides as under:

> *"(h) Any REGS based on wind or solar source or RHGS based on combination of wind and solar source or Battery ESS which is eligible for a waiver of inter-state transmission charges under Regulation 13(2) of these regulations and is having its scheduled date of commercial operation (SCOD) on or before 30th June 2025 is granted extension of time to achieve commercial operation date (COD) on account of any Force Majeure event including non-*

availability of transmission system or for reasons not attributable to the REGS, and the project achieves COD on or before the extended date, it shall be eligible for a waiver of inter-state transmission charges as if the said REGS had achieved COD on 30.6.2025. Such extension to achieve SCOD for the purpose of this Regulation shall not exceed a period of six months at a time and not more than two times, where the extension provided is for a period beyond 30.06.2025. Such extension shall be granted by:

(i) Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of a distribution licensee or MNRE as per the competent authority in terms of the Power Purchase Agreements, where PPA has been entered into consequent to tariff based competitive bidding, under Section 63 of the Act;

(ii) Commission based on recommendations of Committee to be appointed by the Commission, for cases other than covered in sub-clause (i) of this Clause. For the purpose of seeking such extension, the concerned generation project or ESS shall file an application to the Committee as notified through a separate Order by the Commission."

As per the above, the following three conditions are to be met by a RE generator to get waiver in terms of Regulation 13(2)(h):

Condition-1: RE generation project has its scheduled date of commercial operation (SCOD) on or before 30th June 2025.

Condition-2: There is a delay in project CoD on account of any Force Majeure event, including non-availability of the transmission system, or for reasons not attributable to the REGS.

Condition-3: RE generation project has achieved COD on or before the extended date.

It is further provided that the extension to achieve SCOD under Regulation 13(2)(h) shall not exceed six months at a time and not more than two times; such extensions shall be counted for a period beyond 30.06.2025.

17. The Committee has concluded that the SCOD of the Petitioner's 50 MW Solar Project was 30.06.2025, i.e., on or before 30.06.2025. The Committee, finding the project eligible, recommended extending the SCOD till 30.06.2026 or the COD of CTS plus 60 days, whichever is earlier. As per records, the COD of the CTS was declared w.e.f. 10.02.2026. As per Committee recommendations, the project could have achieved COD up to 10.02.2026 plus 60 days. Against this, the Petitioner achieved COD for its 50 MW project on 24.02.2026.

18. In view of the above discussions, we are of the considered view that SCOD of the Petitioner stands extended to 24.2.2026, only for the purpose of Regulation 13(2) (h) of the Sharing Regulations and not otherwise, and the Petitioner's project shall be eligible for waiver of inter-state transmission charges, as if the project had achieved

COD on or before 30.06.2025 in terms of Regulation 13(2)(h) of the 2020 Sharing Regulations.

19. The Petition No. 176/MP/2026 stands disposed of in terms of the above.

Sd/	**Sd/**	**Sd/**	**Sd/**
(Ravinder Singh Dhillon)	**(Harish Dudani)**	**(Ramesh Babu V)**	**(Jishnu Barua)**
Member	**Member**	**Member**	**Chairperson**